

1 I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY  
2 FIRST CLASS MAIL POSTAGE PREPAID, TO ALL COUNSEL  
3 (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF  
RECORD IN THIS ACTION ON THIS DATE.

4 DATED: 1-06-09  
5 J Steele  
6 DEPUTY CLERK

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FILED
1-06-09
CLERK, U.S. DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION AT SANTA ANA BY <i>[Signature]</i> DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

TRAVION CHAMBERLAIN, ) Case No. SACV 08-01468-AG (MLG)  
Petitioner, ) MEMORANDUM AND ORDER DISMISSING  
v. ) PETITION FOR WRIT OF HABEAS  
CMC WEST, ) CORPUS WITH LEAVE TO AMEND  
Respondent. )

Petitioner, a California state prisoner, filed this petition for writ of habeas corpus on December 30, 2008. The petition suffers from the following deficiencies:

- The petition form does not clearly set forth the facts or legal theories supporting petitioner's claim(s); and
- The petition names an improper respondent, the warden of the institution in which Petitioner is held is the appropriate respondent.

Based on the above-noted deficiencies, the petition is DISMISSED with leave to amend. Petitioner may file a "First Amended Petition" not later than 30 days from the date of this order. To that end, the

1 Clerk is instructed to send to petitioner with this order a copy of  
2 the latest version of form Civ 69 - Petition for Writ of Habeas  
3 Corpus by a Person in State Custody, pen-changed to reflect "First  
4 Amended" Petition. Petitioner is advised that any memorandum in  
5 support of the petition is limited to 15 pages. **Petitioner is**  
6 **further advised that if he fails to file a First Amended Petition in**  
7 **accordance with the requirements of this order, the action will be**  
8 **subject to dismissal without further notice.**

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10 Dated: January 5, 2009

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Marc L. Goldman  
United States Magistrate Judge